IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of	)	
	)	No. 63464-0-I
ALI GANJAIE, f/k/a	)	
GHOLAMALI GANJAIE,	)	DIVISION ONE
	)	
Appellant,	)	
	)	
and	)	
	)	UNPUBLISHED OPINION
	)	
KATHERINE GANJAIE,	)	FILED: March 8, 2010
	)	
Respondent.	)	
	)	

BECKER, J. — Ali Ganjaie appeals five trial court orders entered in a dissolution proceeding. He elected not to include any verbatim reports of the dissolution trial in the appellate record. The lack of a record prevents this court from reviewing most of his arguments. Finding no abuse of discretion in the rulings that can be reviewed, we affirm.

The appellate record consists of 109 pages of clerk's papers, 19 trial exhibits, and a 15 page parenting plan evaluation. The record reflects that there was a trial on Ali's petition for dissolution, with a decree and other final orders entered on April 8, 2009. According to the trial court's findings of fact, Ali and Katherine Ganjaie married in September 1981 and separated in July 2007. Ali

filed the petition for dissolution in December 2007.

Ali appeals from the decree of dissolution, findings of fact and conclusions of law, an order of child support, a final parenting plan, and a protective order barring Ali from contacting Katherine and restricting his contact with his daughter, who was 15 years old in 2009.

Our decision to affirm is controlled by well-settled principles of appellate review. Unchallenged findings are verities on appeal. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 808, 828 P.2d 549 (1992). We do not review a trial court's credibility determinations, nor can we weigh conflicting evidence. In re Marriage of Rich, 80 Wn. App. 252, 259, 907 P.2d 1234, review denied, 129 Wn.2d 1030 (1996). The party seeking review has the burden to perfect the record so that, as the reviewing court, we have all relevant evidence before us. Bulzomi v. Dep't of Labor & Industries, 72 Wn. App. 522, 525, 864 P.2d 996 (1994). An insufficient appellate record precludes review of the alleged errors. Bulzomi, 72 Wn. App. at 525. This court does not consider arguments that are not supported by any reference to the record or by any citation to authority. Cowiche Canyon, 118 Wn.2d at 809.

RESTRICTIONS IN PARENTING PLAN

By statute, a trial court is required to limit a parent's residential time with a child "if it is found that the parent has engaged in any of the following conduct: . . . (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of

acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm." RCW 26.09.191(2)(a). In the parenting plan here, the trial court made such a finding as to Ali. Further, the court found an "abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development." Based on these findings, the court restricted Ali's contact with his daughter. The court ordered Ali to engage in domestic violence treatment in order to have increasing and eventually unsupervised visitation time with his daughter. The court also entered a protective order that prohibits Ali from contacting his daughter except as established in the parenting plan.

Ali argues that the protection order is an abuse of discretion. He argues that the court should have required an adequate showing of cause before allowing a hearing on a modification of a parenting plan. A court has a statutory duty to require a showing of adequate cause before conducting a hearing on a proposed modification to a permanent parenting plan. RCW 26.09.260. Ali's argument fails because this case does not involve a modification to a permanent parenting plan. Rather, it involves the establishment of a permanent parenting plan to replace a temporary plan.

Ali also argues that the trial court erred by not ordering a "screening/assessment" regarding the impact of the court's order limiting his contact with his daughter. When a trial court imposes a limiting factor on

parental contact in the parenting plan, a statute requires that both parties "shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties." RCW 26.09.191(4).

Limiting factors imposed by the court must be "reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time." RCW 26.09.191(2)(m)(i). The court may decide what restrictions are necessary to place on the parent's contact with the child, including a bar on all contact. RCW 26.09.191(2)(m)(i). Ali interprets RCW 26.09.191(2)(m) as requiring the court to "forecast the potential harm of contact between a child and an allegedly abusive parent." He further argues that RCW 26.09.191 taken as a whole and applied to his case required "that a relevant assessment be conducted" to determine if the alleged abuse did occur and whether it can be mitigated.

The statute does not require a comprehensive assessment. It requires only a screening to determine the appropriateness of a comprehensive assessment. Here the parenting plan evaluation performed by Family Court Services served as the parental screening required by RCW 26.09.191(4). The evaluation states that it was conducted to review "the residential schedule and allegations under RCW 26.09.191 of domestic violence as to the father." The evaluator interviewed both parents and the daughter, among others, in making

her evaluation and recommendations. We conclude the parenting plan evaluation fulfilled the court's statutory duty.

Ali next argues that the evidence presented at trial was insufficient to support any finding that he had engaged in conduct that would justify issuance of a protective order on his daughter's behalf. But Ali has failed to provide the court with verbatim transcripts of the trial proceedings. He argues that it was not necessary to provide the verbatim reports because they contained no evidence supporting the domestic violence finding. But without a complete record we cannot evaluate Ali's claim. Bulzomi, 72 Wn. App. at 525. The trial court's findings of fact are thus verities on appeal. Cowiche Canyon, 118 Wn.2d at 808.

Ali argues summarily that the protective order violates the due process clause of the Fourteenth Amendment. But he does not explain how and cites no authority. We therefore do not review this contention. Cowiche Canyon, 118 Wn.2d at 809.

SPOUSAL MAINTENANCE

The trial court found that "Maintenance was not requested" in the findings of fact and conclusions of law. Ali claims that he did make a motion for spousal maintenance to last until he finds employment. If Ali did request spousal maintenance, his request is not included in the appellate record. Without a record of such a request, the claim is unreviewable. Bulzomi, 72 Wn. App. at 525.

CHILD SUPPORT AWARD

In the order of child support, the trial court found Ali's actual monthly net income to be $5,018. The court set Ali's monthly child support transfer payment at $677.21 per month. In a handwritten addendum, the court granted "a deviation down to $25 per month based on father's temporary unemployment. The deviation is effective for six months. October 1, 2009 the payments shall revert to the std calculation of $677.21 per month."[1] Ali asserts that he became unemployed several months before the court entered the order of support. He contends that the trial court erroneously used his 2008 income to calculate his monthly child support responsibility. He argues that the trial court should have used his actual income at the time of trial instead.

We review decisions setting child support for an abuse of discretion. In re Marriage of Booth, 114 Wn.2d 772, 776, 791 P.2d 519 (1990). Ali does not cite authority showing that it was error to use 2008 income as the basis for the child support calculation. The order shows that the trial court took Ali's unemployment into account and granted him a temporary deviation, as permitted by RCW 26.19.075. Ali has not demonstrated any error in the calculation of the child support payment.

DISTRIBUTION OF ASSETS

The trial court divided the couple's assets, calculating that Katherine

[1] Order of Child Support 3.5.

would receive assets worth $238,816 and that Ali would receive assets totaling $223,289. To make the calculation, the court adopted and modified a chart supplied by Katherine itemizing the parties' community and separate assets and debts. As part of the distribution, the court ordered the sale of the former family home at the price given in a professional appraisal. Some of the assets the court assigned to Ali included a 2001 Mercedes, a safe deposit box of cash, and a Charles Schwab investment account. The court also ordered Ali to pay all expenses related to the family home until the house sold.

Ali contends that the trial court abused its discretion by dividing the community property in an unjust and inequitable fashion in violation of RCW 26.09.080. He asserts that the Mercedes is not his asset because the car is reserved for the exclusive use of the parties' son, who was 19 years old in 2009. He similarly asserts that the investment account is not his asset because it is reserved for the son's college expenses. He claims that the court's calculations do not reflect Katherine's withdrawal of $3,000 from the safe deposit box. And he argues that Katherine should have to pay half the house expenses until it sells.

Upon dissolution, the trial court must make a just and equitable division of all community and separate property. RCW 26.09.080. We will reverse a trial court's division of property in a dissolution only for a manifest abuse of discretion. In re Marriage of Brewer, 137 Wn.2d 756, 769, 976 P.2d 102 (1999).

Ali does not point to evidence in the record supporting his claims. For example, he claims in his brief that Katherine admitted during cross-examination that she withdrew $3,000 from the safe deposit box. But we do not have a report of proceedings to confirm that she did give such testimony. The 19 trial exhibits contain no information corroborating Ali's assertions that the car or investment account are for his son's exclusive use. Thus, Ali has not demonstrated any error by the trial court in its division of the parties' assets, and he has not shown the division to be inequitable.

Discovery Sanctions

The decree of dissolution contains a handwritten note awarding Katherine "$9,375 in discovery sanctions [and] $500 in attorney's fees related to discovery sanctions."[2] Ali seeks reversal of the award of sanctions. He appears to contend that his wife's requests for discovery were too burdensome and also that the amount is unreasonable. Because he has not furnished the underlying discovery requests or the transcript of court proceedings concerning this issue, this claim is unreviewable.

ATTORNEY FEES

The trial court ordered Ali to pay half of the attorney fees Katherine requested, for a total of $9,187. Ali claims the court erred by awarding Katherine fees because the court did not consider the fact that he was unemployed at the

[2] Decree of Dissolution 1.3.

time of trial. Ali also claims that Katherine did not make the required showing of need to have her fees paid. See RCW 26.09.140. He asks us to overturn the trial court's award of fees to Katherine.

The trial court had discretion to award Katherine attorney fees after considering the financial resources of both parties. RCW 26.09.140. We will not overturn the trial court's award of fees unless it abused its discretion. In re Marriage of Buchanan, 150 Wn. App. 730, 739, 207 P.3d 478 (2009). The record contains a financial declaration by Katherine discussing both parties' financial resources and monthly expenses. Nothing in the record before us suggests that the court failed to consider relevant information. We find no abuse of discretion.

Katherine requests attorney fees on appeal under RCW 26.09.140. Under RAP 18.1(c), an affidavit of financial need is required. She has not filed the required affidavit. Accordingly, her request is denied.

Affirmed.

Becker, J.

WE CONCUR:

Appelwick, J. Edlington, J.